

ORIGINAL

DMB:MEH:slg:2001V00181

FILED
HARRISBURG

MAR 14 2001

MARY E. D'ANDREA, CLERK
Per
DEPUTY CLERK

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

YONNIE BAILEY,	:	
Petitioner	:	
	:	
v.	:	Civil No. 1:CV-00-2184
	:	(Judge Caldwell)
JAKE MENDEZ, Warden,	:	
Respondent	:	

RESPONDENT'S RECORD IN SUPPORT
OF ITS RESPONSE TO HABEAS CORPUS PETITION

DAVID M. BARASCH
United States Attorney

MATTHEW E. HAGGERTY
Assistant United States Attorney
SHELLEY L. GRANT
Paralegal Specialist
228 Walnut Street, Suite 220
P.O. Box 11754
Harrisburg, PA 17108-1754
717/221-4482

Date: March 14, 2001

be quashed and that an additional seven points have been added to his custody classification based on this invalid detainer. He further alleges that this will subject him to a "possible lengthier sentence" and that it denies him participation in programs which might reduce his sentence.


3. I have also reviewed the Petitioner's sentence computation records. This review revealed that the Petitioner was sentenced on March 8, 1994, in the United States District Court for the Eastern District of Pennsylvania, to an aggregate term of imprisonment of one hundred and thirty two (132) months; a three year term of supervision; a one hundred and fifty dollar (\$150.00) felony assessment; and restitution in the amount of forty thousand dollars (\$40,000.00), for "Interference with Commerce by Robbery", "Aiding and Abetting", "Possession of a Firearm by a Convicted Felon" and "Use of a Firearm During a Crime of Violence". The Petitioner is currently incarcerated in the United States Penitentiary, Allenwood, Pennsylvania, and he has a detainer lodged against him by the Commonwealth of Pennsylvania, Board of Probation and Parole, for parole violation (parole #7845T). The Petitioner has a projected release date of April 4, 2003, via Good Conduct Time Release.

4. The Bureau of Prisons has established an administrative remedy procedure through which an inmate can seek formal review of any complaint regarding any aspect of his imprisonment. In order to exhaust appeals under the Administrative Remedy Procedure for inmates, an inmate must first raise his complaint to the warden of the institution where he is confined. He may then further appeal an adverse decision to the Regional Director and Central Office of the Federal Bureau of Prisons. See 28 C.F.R. § 542, et seq. No administrative remedy appeal is considered to have been finally exhausted until rejected by the Bureau of Prisons' Central Office.
5. In the ordinary course of business, computerized indexes of all administrative appeals filed by inmates are maintained by the Regional and Central Offices so that rapid verification may be made as to whether an inmate has exhausted administrative appeals on a particular issue.
6. On March 14, 2001, I conducted a search of the records to determine whether or not the Petitioner had exhausted available administrative remedies regarding the issues he raised in his petition. This review has revealed that the Petitioner has failed to exhaust available administrative remedies.

7. Specifically, although the Petitioner has filed ten administrative remedies since he has been incarcerated, he has not filed any administrative remedies regarding any of the issues raised in this petition. In fact, the Petitioner has not filed any administrative remedies since March 14, 1996.
8. Attached to this declaration is a true and correct copy of the computerized index for the Petitioner's administrative remedies (Attachment # 1).

I declare that any and all records attached to this declaration are true and accurate copies of records maintained in the ordinary course of business by the Federal Bureau of Prisons. I further declare that the foregoing is true and correct to the best of my knowledge and belief, and is given under penalty of perjury pursuant to 28 U.S.C. §1746.

Executed this 14th day of March 2001.



K. MICHAEL SULLIVAN
Supervisory Attorney
F.C.C. Allenwood

MAR-14-01 WED 10:57 AM ALLENWOOD LEGAL SERVICES FAX NO. 17175476458

P.06

Bailey v. Mendez

Civil Action Number 1:CV-00-2184

Declaration of K. Michael Sullivan, Supervisory Attorney

ATTACHMENT NUMBER #1

MAR-14-01 WED 10:57 AM ALLENWOOD LEGAL SERVICES FAX NO. 17175476458

P.07

ALFDC *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 03-14-2001
 PAGE 001 OF 09:47:49
 FUNCTION: L-P SCOPE: REG EQ 46949-066 OUTPUT FORMAT: FULL
 -----LIMITED TO SUBMISSIONS WHICH MATCH ALL LIMITATIONS KEYED BELOW-----
 DT RCV: FROM _____ THRU _____ DT STS: FROM _____ THRU _____
 DT STS: FROM _____ TO _____ DAYS BEFORE "OR" FROM _____ TO _____ DAYS AFTER DT RDU
 DT TDU: FROM _____ TO _____ DAYS BEFORE "OR" FROM _____ TO _____ DAYS AFTER DT TRT
 STS/REAS: _____
 SUBJECTS: _____
 EXTENDED: REMEDY LEVEL: _____ RECEIPT: _____ "OR" EXTENSION: _____
 RCV OFC : EQ _____
 TRACK: DEPT: _____
 PERSON: _____
 TYPE: _____
 EVNT FACL: EQ _____
 RCV FACL.: EQ _____
 RCV UN/LC: EQ _____
 RCV QTR.: EQ _____
 ORIG FACL: EQ _____
 ORG UN/LC: EQ _____
 ORIG QTR.: EQ _____

G0002

MORE PAGES TO FOLLOW . . .

MAR-14-01 WED 10:57 AM ALLENWOOD LEGAL SERVICES

FAX NO. 17175476458

P.08

ALFDC
PAGE 002 OF*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL *
* FULL SCREEN FORMAT *03-14-2001
09:47:49

REGNO: 46949-066 NAME: BAILEY, YONNIE
RSP OF...: ALP UNT/LOC/DST: III QTR.: C04-213L RCV OFC: LEW
REMEDY ID: 78165-F1 SUB1: 102M SUB2: DATE RCV: 12-13-1994
UNT RCV...: MAB QTR RCV.: G-3 FACI RCV: LEW
UNT ORG...: MAB QTR ORG.: G-3 FACI ORG: LEW
EVT FACI.: LEW ACC LEV: LEW 1 NER 1 BOP 1 RESP DUE: WED 12-28-1994
ABSTRACT.: REQUESTS TRANSFER FOR "PROTECTION" NEEDS
STATUS DT: 12-20-1994 STATUS CODE: CLD STATUS REASON: DNY
INCRPTNO.: RCT: P EXT: DATE ENTD: 12-13-1994
REMARKS...:

REGNO: 46949-066 NAME: BAILEY, YONNIE
RSP OF...: ALP UNT/LOC/DST: III QTR.: C04-213L RCV OFC: LEW
REMEDY ID: 79016-F1 SUB1: 20DS SUB2: DATE RCV: 12-29-1994
UNT RCV...: MAB QTR RCV.: G-3 FACI RCV: LEW
UNT ORG...: MAB QTR ORG.: G-3 FACI ORG: LEW
EVT FACI.: LEW ACC LEV: RESP DUE:
ABSTRACT.: IMPROPER SANCTIONS/AFRAID TO ENTER GENERAL POP.
STATUS DT: 12-29-1994 STATUS CODE: REJ STATUS REASON: DHO
INCRPTNO.: 266519 RCT: EXT: DATE ENTD: 12-29-1994
REMARKS...: DHO APPEALS ARE PROPERLY MADE DIRECTLY TO THE
REGIONAL OFFICE. ATTACH COPIES OF DHO DOCUMENTS
AND SUBMIT TO THAT OFFICE.

G0002

MORE PAGES TO FOLLOW . . .

MAR-14-01 WED 10:58 AM ALLENWOOD LEGAL SERVICES FAX NO. 17175476458

P.09

ALFDC *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 03-14-2001
PAGE 003 OF * FULL SCREEN FORMAT * 09:47:49

REGNO: 46949-066 NAME: BAILEY, YONNIE
RSP OF...: ALP UNT/LOC/DST: III QTR.: C04-213L RCV OFC: NER
REMEDY ID: 79016-R1 SUB1: 20DM SUB2: DATE RCV: 01-04-1995
UNT RCV...: MAB QTR RCV.: G-3 FACI RCV: LEW
UNT ORG...: MAB QTR ORG.: G-3 FACI ORG: LEW
EVT FACI.: LEW ACC LEV: RESP DUE:
ABSTRACT.: IMPROPER SANCTIONS/AFRAID TO ENTER GENERAL POP.
STATUS DT: 01-23-1995 STATUS CODE: VOD STATUS REASON:
INCRPTNO.: RCT: EXT: DATE ENTD: 01-05-1995
REMARKS...: BEING REJECTED DUE TO APPEALING 2 INCIDENT REPORTS
ON 1 BP-10. SEE 79016-R2.

REGNO: 46949-066 NAME: BAILEY, YONNIE
RSP OF...: ALP UNT/LOC/DST: III QTR.: C04-213L RCV OFC: NER
REMEDY ID: 79016-R2 SUB1: 20DM SUB2: DATE RCV: 01-04-1995
UNT RCV...: MAB QTR RCV.: G-3 FACI RCV: LEW
UNT ORG...: MAB QTR ORG.: G-3 FACI ORG: LEW
EVT FACI.: LEW ACC LEV: RESP DUE:
ABSTRACT.: IMPROPER SANCTIONS/AFRAID TO ENTER GENERAL POP.
STATUS DT: 01-23-1995 STATUS CODE: REJ STATUS REASON: MLT RSR
INCRPTNO.: RCT: EXT: DATE ENTD: 01-23-1995
REMARKS...

G0002 MORE PAGES TO FOLLOW . . .

MAR-14-01 WED 10:58 AM ALLENWOOD LEGAL SERVICES FAX NO. 17175476458

P.10

ALFDC *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 03-14-2001
PAGE 004 OF * FULL SCREEN FORMAT * 09:47:49

REGNO: 46949-066 NAME: BAILEY, YONNIE
RSP OF...: ALP UNT/LOC/DST: III QTR.: C04-213L RCV OFC: NER
REMEDY ID: 78165-R1 SUB1: 10ZM SUB2: DATE RCV: 01-06-1995
UNT RCV...: MAB QTR RCV.: G-3 FACI RCV: LEW
UNT ORG...: MAB QTR ORG.: G-3 FACI ORG: LEW
EVT FACI.: LEW ACC LEV: LEW 1 NER 1 BOP 1 RESP DUE: SUN 02-05-1995
ABSTRACT.: REQUESTS TRANSFER FOR "PROTECTION" NEEDS
STATUS DT: 01-23-1995 STATUS CODE: CLD STATUS REASON: DNY
INCRPTNO.: RCT: P EXT: DATE ENTD: 01-09-1995
REMARKS...:

REGNO: 46949-066 NAME: BAILEY, YONNIE
RSP OF...: ALP UNT/LOC/DST: III QTR.: C04-213L RCV OFC: BOP
REMEDY ID: 78165-A1 SUB1: 10ZM SUB2: DATE RCV: 02-09-1995
UNT RCV...: MAB QTR RCV.: G-3 FACI RCV: LEW
UNT ORG...: MAB QTR ORG.: G-3 FACI ORG: LEW
EVT FACI.: LEW ACC LEV: LEW 1 NER 1 BOP 1 RESP DUE: SAT 03-11-1995
ABSTRACT.: REQUESTS TRANSFER FOR "PROTECTION" NEEDS
STATUS DT: 02-10-1995 STATUS CODE: CLD STATUS REASON: DNY
INCRPTNO.: RCT: D EXT: DATE ENTD: 02-09-1995
REMARKS...:

G0002 MORE PAGES TO FOLLOW . . .

MAR-14-01 WED 10:58 AM ALLENWOOD LEGAL SERVICES FAX NO. 17175476458

P.11

ALFDC
PAGE 005 OF*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL *
* FULL SCREEN FORMAT *03-14-2001
09:47:49

REGNO: 46949-066 NAME: BAILEY, YONNIE
RSP OF...: ALP UNT/LOC/DST: III QTR.: C04-213L RCV OFC: WXR
REMEDY ID: 102456-R1 SUB1: 13AM SUB2: 34AM DATE RCV: 01-29-1996
UNT RCV...: C QTR RCV.: H ADM DET FACI RCV: LOM
UNT ORG...: C QTR ORG.: H ADM DET FACI ORG: LOM
EVT FACI.: LOM ACC LEV: RESP DUE:
ABSTRACT.: RECLASSIFICATION/INJUSTICE & UNFAIR TREATMENT
STATUS DT: 01-30-1996 STATUS CODE: REJ STATUS REASON: SEN INS
INCRPTNO.: RCT: EXT: DATE ENTD: 01-30-1996
REMARKS...:

REGNO: 46949-066 NAME: BAILEY, YONNIE
RSP OF...: ALP UNT/LOC/DST: III QTR.: C04-213L RCV OFC: LOM
REMEDY ID: 104354-F1 SUB1: 22AM SUB2: DATE RCV: 02-26-1996
UNT RCV...: C QTR RCV.: H ADM DET FACI RCV: LOM
UNT ORG...: C QTR ORG.: H ADM DET FACI ORG: LOM
EVT FACI.: LOM ACC LEV: RESP DUE:
ABSTRACT.: ADM DET
STATUS DT: 02-27-1996 STATUS CODE: REJ STATUS REASON: INF
INCRPTNO.: RCT: EXT: DATE ENTD: 02-28-1996
REMARKS...:

G0002

MORE PAGES TO FOLLOW . . .

MAR-14-01 WED 10:58 AM ALLENWOOD LEGAL SERVICES FAX NO. 17175476458

P. 12

ALFDC *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 03-14-2001
PAGE 006 OF 006 * FULL SCREEN FORMAT * 09:47:49

REGNO: 46949-066 NAME: BAILEY, YONNIE
RSP OF...: ALP UNT/LOC/DST: III QTR.: C04-213L RCV OFC: WXR
REMEDY ID: 104354-R1 SUB1: 22AM SUB2: DATE RCV: 03-07-1996
UNT RCV...: C QTR RCV.: H ADM DET FACI RCV: LOM
UNT ORG...: C QTR ORG.: H ADM DET FACI ORG: LOM
EVT FACI.: LOM ACC LEV: RESP DUE:
ABSTRACT.: REQUEST RELEASE FROM ADMINISTRATIVE DETENTION, ETC.
STATUS DT: 03-07-1996 STATUS CODE: REJ STATUS REASON: SEN IRQ OTH
INCRPTNO.: RCT: EXT: DATE ENTD: 03-07-1996
REMARKS...: NEEDED: BP-9, INCLUDING THE WARDEN'S RESPONSE.

REGNO: 46949-066 NAME: BAILEY, YONNIE
RSP OF...: ALP UNT/LOC/DST: III QTR.: C04-213L RCV OFC: WXR
REMEDY ID: 104354-R2 SUB1: 22AM SUB2: DATE RCV: 03-14-1996
UNT RCV...: C QTR RCV.: H ADM DET FACI RCV: LOM
UNT ORG...: C QTR ORG.: H ADM DET FACI ORG: LOM
EVT FACI.: LOM ACC LEV: RESP DUE:
ABSTRACT.: REMOVED FROM GEN POP & RECLASSIFIED
STATUS DT: 03-14-1996 STATUS CODE: REJ STATUS REASON: OTH
INCRPTNO.: RCT: EXT: DATE ENTD: 03-14-1996
REMARKS...: BECAUSE YOUR BP-9 WAS REJECTED, WE CANNOT ACCEPT
YOUR BP-10. YOU SUBMITTED YOUR BP-10 AS SENSITIVE
AND FOR THIS REASON IT WAS NOT RETURNED TO YOU.

G0000 10 REMEDY SUBMISSION(S) SELECTED
TRANSACTION SUCCESSFULLY COMPLETED

03/07/01 14:20

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ALP ISM

002

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

YONNIE BAILEY

Petitioner

v.

JAKE MENDEZ, WARDEN

Respondent.

:
:
:
:
:
:
:
:
:
:
:
:

CIVIL ACTION NO. 1:CV-00-2184

(Judge Caldwell)

DECLARATION OF MICHELLE R. HOPPLE

I, Michelle R. Hopple, hereby declare and state the following:

1. I am currently employed by the Federal Bureau of Prisons, at the United States Penitentiary, Allenwood, Pennsylvania, as a Legal Instruments Examiner. I have been employed by the Bureau of Prisons since August 1993. I have worked in the area of inmate sentence computation since June 1995. In my current position I am responsible for all operational aspects of the Inmate Systems Management area, to include sentence computation.
2. I have personally reviewed the sentence computation of the Petitioner, inmate Yonnie Bailey, Federal Register Number 46949-066.

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3. Our records reflect that the Petitioner was arrested on June 1, 1993, by the Federal Bureau of Investigation, Philadelphia, Pennsylvania, and he was charged with Interference with Commerce by Robbery; Aiding & Abetting; Possession of a Firearm by a Convicted Felon; and Use of a Firearm During a Crime of Violence.
4. On December 25, 1992, the Petitioner was paroled from his Pennsylvania State sentence (Case Nos. CP 870001979; CP 850702140; CP 870102139; and CP870100980).
5. A review of the Petitioner's records reflect that on June 4, 1993, a detainer was lodged with the U.S. Marshals, Philadelphia, Pennsylvania, in favor of the Pennsylvania State Parole Board. This detainer is still active today.
6. Due to the Petitioner's instant federal sentence, a Parole Violation Warrant was issued by the State of Pennsylvania for the above listed cases. I have attached a copy of the Parole Violation Warrant to my declaration as Attachment #1.
7. On March 8, 1994, the Petitioner was sentenced in the United States District Court for the Eastern District of Pennsylvania to one hundred and thirty two (132) months imprisonment on March 8, 1994. I have attached a copy of the Petitioner's Judgment and Conviction order to my

03/07/01 14:21

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declaration as Attachment #2.

8. The Petitioner currently has a projected release date of April 4, 2003, via Good Conduct Time release.
9. Upon Petitioner's release from federal custody on April 4, 2003, the Parole Violation Warrant will be executed and custody will be assumed by the Pennsylvania Board of Probation & Parole.
10. Contact with the Pennsylvania Board of Probation & Parole, Interstate Compact Services, revealed the following in regard to the current Parole Violation detainer lodged against the Petitioner. A revocation hearing could not be scheduled against the Petitioner until he was sentenced in federal court (which occurred on March 8, 1994). Once sentencing in federal court occurred, the Pennsylvania Board of Probation & Parole was then allowed to request certified copies of the documents, ie. the warrant, etc., in preparation for the revocation hearing. It is my understanding that the Board of Probation and Parole then has 120 days to conduct the revocation hearing, which was tentatively scheduled for March 15, 1994.
11. In the Petitioner's case, the Board was unable to hold the hearing on March 15, 1994, due to not having the necessary

03/07/01 14:21

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ALP ISM

005

certified documents, and thus the Board requested a continuance.

12. On March 17, 1994, the Petitioner was transferred from the Holmesburg County jail in Philadelphia to the Federal Correctional Institution, Fairton, New Jersey. Per the Pennsylvania Board of Probation & Parole, since federal designation was made and the Petitioner had been transferred to a federal facility, a formal detainer was lodged for the Parole Violation and the revocation hearing was continued until such a time as the Petitioner is returned to a state facility.
13. The Petitioner's revocation hearing will not occur until he is returned to state custody upon completion of his federal sentence. At that time, the Petitioner's federal charge and the time spent in federal custody will factor in the outcome of his revocation hearing.
14. Additionally, Inmate Systems Management staff have been informed by the Pennsylvania Board of Probation & Parole that the Petitioner should address this issue with state authorities. Specifically, staff were advised that the Petitioner should send a letter to the Chief Commander of the Pennsylvania Board of Probation & Parole.

03/07/01

14:22

717 547 6299

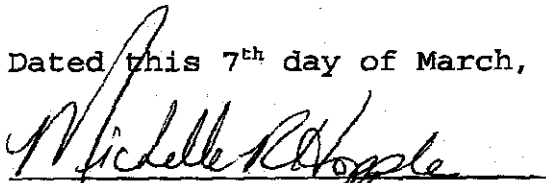
ALP ISM

006

15. The Federal Bureau of Prisons has no authority over the Pennsylvania Board of Probation & Parole and its actions in this case.
16. Furthermore, the detainer currently lodged against the Petitioner in favor of the Pennsylvania Board of Probation and Parole will remain lodged until such time that they request that the detainer be removed. If this detainer remains lodged at the time of the Petitioner's release from federal custody on April 4, 2003, custody will be assumed by the Pennsylvania Board of Probation & Parole.

I declare under penalty of perjury and pursuant to Title 28 United States Code, Section 1746, that the above is true and correct to the best of my knowledge and belief.

Dated this 7th day of March, 2001.



MICHELLE R. HOPPLE
Legal Instruments Examiner
Federal Bureau of Prisons
United States Penitentiary
Allenwood, Pennsylvania 17887

Bailey v. Mendez

Civil Action No. 1:CV-00-2184 (MDPA)

Declaration of M. Hopple

ATTACHMENT #1



COMMONWEALTH of PENNSYLVANIA
Board of Probation and Parole

1101 S. Front St., Suite 5800

Harrisburg, PA 17104-2538
(717) 787-5699, Ext. 257

August 2, 2000

TO: U.S.P.-Allenwood
P. O. Box 3500
White Deer, PA 17887
ATTN: ISM

RE: BAILEY, YONNIE
PA PAROLE NO.: 7845-T
YOUR #: 46949-066.

Dear Sir/Madam:

The below-checked paragraph relates to the above-named subject.

- ☒ (X) Refer to prior correspondence on this case.
- ☒ (X) Advise whether our warrant for violation of parole is on file.
- ☐ () Lodge the attached warrant as a detainer for violation of parole.
- ☐ () Advise parolee's earliest release date or parole hearing date.
- ☒ (X) Advise parolee's current status as to a release date or parole re-hearing date.
- ☒ (X) Notify us approximately sixty (60) days prior to actual release.
- ☐ () Our Board has acted to close this case. Therefore, return our warrant as we have no further interest.
- ☐ () Other:

*Detainer lodged on 7/20/99 and remains lodged to date. Current release date is 4/04/2003. Inmate is currently confined at USP Allenwood, PA.

Michelle R. Hopple
Michelle R. Hopple
Legal Instr. Examiner
USP Allenwood, PA 8/10/00

Very truly yours,
FOR THE BOARD

Tara Hoover
Tara Hoover
Parole Staff Technician
Interstate Compact Services

TH:map
Attachment
Cc: FILE

U.S. DEPARTMENT OF JUSTICE
PRISONS

FEDERAL BUREAU OF

To: COMMONWEALTH OF PENNSYLVANIA
BOARD OF PROBATION & PAROLE
P.O. BOX 1661
1301 NORTH FRONT STREET
HARRISBURG, PA 17105-1661

Institution: USP ALLENWOOD
P.O. BOX 3500
WHITE DEER, PA 17887

Date: JULY 20, 1999

Re: TRANSFER NOTICE

Inmate's Name
BAILEY, YONNIE
DOB: 08/23/1963

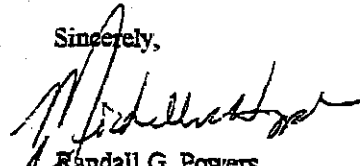
PAROLE# 7845-T
REG# 46949-066
FBI# 25347CA8

The below checked paragraph relates to the above named inmate:

- ☐ This office is in receipt of the following report: Please review this report and advise what disposition, if any, has been made of the case. If subject is wanted by your department, and you wish a detainer placed, it will be necessary for you to forward a certified copy of your warrant to us along with a cover letter stating your desire to have lodged as a detainer, or indicate you have no further interest in subject.
- ☐ A detainer has been filed against this subject in your favor charging _____ Release is tentatively scheduled for _____, however we will again notify you approximately 60 days prior to actual release.
- ☐ Enclosed is your detainer warrant. Your detainer against the above named has been removed in compliance with your request.
- ☐ Your detainer warrant has been removed on the basis of the attached _____. Notify this office immediately if you do not concur with this action.
- ☐ Your office requests notification prior to the release of the above named prisoner. Our records have been noted. Tentative release date at this time is _____.
- ☐ I am returning your _____ on the above named inmate who was committed to this institution on _____ to serve _____ for the offense of _____. If you wish your _____ filed as a detainer, please return it to us with a cover letter stating your desire to have it placed as a hold or indicate you have no further interest in the subject.
- ☒ The above named inmate has been transferred to UNITED STATES PENITENTIARY, ALLENWOOD, PENNSYLVANIA. Your detainer/notification request has been forwarded.

☒ Other: PROJECTED RELEASE DATE IS
4/04/2003.

Sincerely,


Randall G. Powers
Inmate Systems Manager

2 Signed Record Copies - 1 Addressee, 1 Judgment & Commitment File; Copy - Inmate; Copy - Central File (Section 1); Copy - Corr. Svcs Dept

(This form may be reproduced via WP)
1988)

(Replaces BP-394(58) dtd October

TO: COMMONWEALTH OF PENNSYLVANIA BOARD OF PROBATION AND PAROLE P.O. BOX 1661 1301 NORTH FRONT STREET HARRISBURG, PA 17105-1661		Institution USP LOMPOC, CA 93436
Re DETAINER		Date SEPTEMBER 27, 1995
Inmate's Name RAILEY, YONNIE		Number 46949-066 (C)

DOB: 08-23-1963

Dear Sir:

The below checked paragraph relates to the above named inmate:

- ☐ This office is in receipt of the following report regarding the above named _____ Will you please investigate this report and advise what disposition, if any, has been made of the case? If subject is wanted by your department and you wish a detainer placed, it will be necessary for you to forward a certified copy of your warrant to us along with a cover letter stating your desire to have it lodged as a detainer, or indicate you have no further interest in subject.
- ☒ A detainer has been filed against this subject in your favor charging PAROLE VIOLATION- PAROLE #7845-T Release is tentatively scheduled for 02-16-2003 VIA COT HKI, however we will again notify you approximately 60 days prior to actual release.
- ☐ Enclosed is your detainer warrant. Your detainer against the above named has been removed in compliance with your request.
- ☐ Your detainer warrant has been removed on the basis of the attached _____. Notify this office immediately if you do not concur with this action.
- ☐ Your letter dated _____ requests notification prior to the release of the above named prisoner. Our records have been noted. Tentative release date at this time is _____.
- ☐ I am returning your _____ on the above named inmate who was committed to this institution on _____ to serve _____ for the offense of _____. If you wish your _____ filed as a detainer, please return it to us with a cover letter stating your desire to have it placed as a hold or indicate you have no further interest in the subject.
- ☒ The above named inmate has been transferred to USP LOMPOC, 3901 KIRBY BLVD, LOMPOC, CA 93436. Your detainer/notification request has been forwarded.
- ☒ Other: **TELEPHONE #:** (805) 735-2771, EXT. 234

Sincerely,

M. P. HILLEBRAND
 Inmate Systems Manager
 BY
C. LEE, LEGAL TECHNICIAN

Original White-Addressee
 First Copy (Green)-Judgment & Commitment File
 Second Copy (Canary)-Inmate
 Third Copy (Pink)-Central File (Section 1)
 Fourth Copy (Goldenrod)-Correctional Services Department

R. 20



COMMONWEALTH OF PENNSYLVANIA
Board of Probation and Parole

P.O. Box 1661
3101 North Front Street
Harrisburg, PA 17105-1661

May 19, 1994

(717) 787-6134

TO: Mr. A. J. Booth
Inmate Systems Manager
U. S. Penitentiary
Lewisburg, Pa. 17837

Re: Yonnie Bailey
SCIG No. AS0266
Parole No. 7845-T
Your: No. 46949-066

Dear Sir:

The below-checked paragraph relates to the above-named client.

- ☐ Client was under the supervision of _____
for our Agency. They have now advised client is confined in your insti-
tution following a conviction in _____
- ☒ _____
- ☐ Advise whether our warrant for violation of parole is on file.
- ☒ _____
- ☐ Advise client's earliest release date or parole hearing date.
- ☐ Advise client's current status as to a release date or parole re-hearing date.
- ☐ Advise results of client's _____ parole hearing.
- ☐ Notify us approximately 60 days prior to actual release.
- ☐ Our Board has acted to close this case. Therefore, return our warrant, as we have no further interest.
- ☐ Other:

Very truly yours,

FOR THE BOARD

S. Boyer-Comiskey

Shirley Boyer-Comiskey
Staff Technician
Interstate Services

sbc
att.

An Equal Employment Opportunity Employer

Accredited by the Commission on Accreditation for Corrections/American Correctional Association

R. 21

COMMONWEALTH OF PENNSYLVANIA



Board of Probation and Parole
Box 1661 - Harrisburg, Pa. 17120

WARRANT
For Arrest of Paroled Prisoner

To any Parole Agent of the Pennsylvania Board of Probation and Parole or any Officer Authorized to Serve Criminal Process or any Peace Officer in the United States of America:

You are hereby authorized to arrest and detain for parole violation
Yonnie Bailey Parole No. 7845-T, paroled on
12-25-92 from SCI - Graterford, under
Institution No. AS0266 on the sentence at No. CP 870001979; CP
850702140; CP 870102139; CP 870100980
under the jurisdiction of the Pennsylvania Board of Probation and Parole. For his (or her) arrest and
detention this shall be your sufficient warrant.

It is hereby ordered that the said Yonnie Bailey
be retaken and returned forthwith to the actual custody within the
Pennsylvania enclosure, and we hereby require Heriberto Sanchez
an officer of Pa. Board of Probation and Parole, to so retake and return
Yonnie Bailey and for so doing this shall be
sufficient warrant.

Signed and sealed at Harrisburg, Pennsylvania
this 8th day of July, 19 93
PENNSYLVANIA BOARD OF PROBATION AND PAROLE

Director, Interstate Services
Robert A. Largent

ATTEST:

Secretary
James W. Riggs

Warrant No. 7845-T

Bailey v. Mendez

Civil Action No. 1:CV-00-2184 (MDPA)

Declaration of M. Hopple

ATTACHMENT #2

EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

V.

YONNIE BAILEY
(a.k.a. JUAN DEVEAREAU) *LM*

(Name of Defendant)

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 2:93CR00386-1

ROSSMAN D. THOMPSON

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1, 2, and 3☐ pleaded nolo contendere to count(s) _____
which (was) (were) accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

Title/Sect	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC §1951(a) §2	Interference with commerce by robbery ✓ Aiding and Abetting	05/18/93 ✓	1 ✓
18 USC §924(c)(1)	Use of a firearm during a crime of violence ✓	05/18/93 ✓	2 ✓
18 USC §922(g)(1)	Possession of a firearm by a convicted felon ✓	05/18/93 ✓	3 ✓

The defendant is sentenced as provided in pages 1 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____
and is discharged as to such count(s).

☐ Count(s) _____ (is)(are) dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 203-54-4172Defendant's Date of Birth: 08/23/63

Defendant's Mailing Address:

PHILADELPHIA DETENTION CENTER8201 STATE ROADPHILADELPHIAPA 19136

Defendant's Residence Address:

1448 N. ETING STREETPHILADELPHIAPA 19121

cc: Defendant

Rossman Thompson, Esquire

Robert Goldman, Esquire

Probation (1)

US Marshal (2) ✓

Pretrial Services

Fiscal

03/08/94

Date of Imposition of Judgment

Norma L. Shapiro
Signature of Judicial Officer

NORMA L. SHAPIRO ✓

JUDGE USDC EDPA

Name & Title of Judicial Officer

March 10, 1994
Date

R. 24

A TRUE COPY CERTIFIED TO FROM THE RECORD

DATED: 3/10/94ATTEST: *Margaret O. Kura*DEPUTY CLERK, UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 132 months.

60 months on Count(s): 2 (consecutively to 1 and 3) ✓
 72 months on Count(s): 1 and 3 ✓

[] The court makes the following recommendations to the Bureau of Prisons:

1. This sentence is imposed as follows: 72 months on Counts 1 and 3, 60 months on Count 2, to run consecutively. The 132-month sentence is to run concurrently with any sentence imposed on defendant under state law.

(recommendation text continued on page 2.01)

[X] The defendant is remanded to the custody of the United States Marshal.
 [] The defendant shall surrender to the United States Marshal for this district.
 [] at _____ am/pm on _____.
 [] As notified by the United States Marshal.

[] The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons
 [] before 2:00 p.m. on _____.
 [] As notified by the United States Marshal.
 [] As notified by the probation office.

RETURN

I have executed this judgment as follows:

Defendant delivered on 03-28-94 to U.S. Penitentiary at Lewisburg, PA., with a certified copy of this judgment.

E. J. Brennan, Warden
~~UNITED STATES MARSHAL~~

By Joni L. Badger, Legal Tech.
~~Deputy Marshal~~

IMPRISONMENT

(recommendation text continued from page 2)

2. Defendant has a restitution obligation of \$40,000.00. This obligation is imposed jointly and severally with other defendants yet to be indicted with regard to this offense. Defendant shall begin making payments toward his restitution obligation immediately.
3. Defendant is in need of a complete physical and neurological evaluation. Please refer to a report submitted by Gary M. Glass, M.D., dated October 27, 1993, which refers to defendant's being treated with Dilantin three (3) times daily and the need for regular monitoring of defendant's blood levels. In addition, it would be helpful for him to be placed in a facility where his psychiatric needs could be addressed as well.

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: 3 years.

3 years as to Count(s): 1,2 and 3 concurrently

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons. While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall not possess a firearm or destructive device. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the schedule of payments set forth in the financial obligation portion of this Judgment. The defendant shall comply with the following additional conditions:

1. Defendant shall, upon his release from custody, spend one year in a half-way house, at the discretion of the court, on work-release.
2. Defendant shall attend and participate in such psychological/psychiatric treatment program(s) as deemed necessary by his probation officer.
3. Defendant shall make restitution payments in the amount of \$40,000. This obligation is imposed jointly and severally with any other defendants yet to be charged in this matter. Payments toward this obligation, to begin while defendant is in custody, shall continue upon his release and shall be made on installments as directed by defendant's probation officer. Checks shall be submitted to defendant's probation officer, made payable to "Clerk of Court, United States District Court for the Eastern District of Pennsylvania," for forwarding to J. & S. Jewelers.
4. Defendant shall pay a special assessment in the amount of \$150, in such installments as directed by his probation officer.
5. The probation office shall submit a written report on defendant's progress under supervision every ninety (90) days.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

FINANCIAL OBLIGATIONS

The defendant shall pay the following total financial penalties in accordance with the schedule of payments set out below:

<u>Count</u>	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
1	\$ 50.00	\$.00	\$ 40,000.00
2	\$ 50.00	\$.00	\$.00
3	\$ 50.00	\$.00	\$.00
Totals:	\$ 150.00	\$.00*	\$ 40,000.00

(*total printed is the amount entered and not the sum of the counts listed)

FINE

The fine includes any costs of incarceration and/or supervision.

☒ The court has determined that the defendant does not have the ability to pay interest in full.

It is ordered that:

☒ The interest requirement is waived.

☐ The interest requirement is modified as follows:

RESTITUTION

Each restitution payment shall be divided proportionately among the payees named unless specified in the priority payment column below. Restitution shall be paid to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>	<u>Priority Order of Payment</u>
J. & S. JEWELERS	\$ 40,000.00	1

SCHEDULE OF PAYMENTS

Payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) fine costs; (5) interest; (6) penalties.

The total fine and other monetary penalties shall be paid as follows:

☒ in full immediately.

☐ in full not later than _____.

☐ in installments which the probation officer shall establish and may periodically modify provided that the entire financial penalty is paid no later than 5 years after release from incarceration, if incarceration is imposed. If probation is imposed, not later than the expiration of probation.

☐ in monthly installments of \$ _____ over a period of _____ months. The probation officer may periodically modify the payment schedule, provided the penalty is paid in full in accordance with the term specified above. The first payment is due 30 days after the date of this judgment. The second and subsequent payments are due monthly thereafter.

All financial penalty payments are to be made to U.S. Clerk of Court Eastern District of Pennsylvania except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

The defendant shall pay interest on any fine of more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. §3612(f). All of the above payment options are subject to penalties for default and delinquency pursuant to 18 U.S.C. §3612(g).

Unless otherwise ordered by the court, any financial penalty imposed by this order shall be due and payable during the period of incarceration, with any unpaid balance to be a condition of supervised release. Any financial penalties collected while the defendant is incarcerated shall be reported by the Bureau of Prisons to the Clerk of the Court and the probation officer. The probation officer shall notify the United States District Court, the Clerk of the Court, and the United States Attorney's Office of the payment schedule and any modifications to that schedule.

STATEMENT OF REASONS

☒ The Court adopts the factual findings and guideline application in the presentence report.

OR

☐ The Court adopts the factual findings and guideline application in the presentence report except

Guideline Range Determined by the Court:

Total Offense Level: 29

Criminal History Category: VI

Imprisonment Range: 151 to 188 months and 60 months consecutive.

Supervised Release Range: 2 to 3 years

Fine Range: \$ 150,000.00 to \$ 150,000.00

☒ Fine waived or imposed below the guideline range, because of inability to pay.

Restitution: \$ 40,000.00

☒ Full restitution is not ordered for the following reason(s):

The restitution obligation of \$40,000.00 is imposed jointly and severally with any restitution obligation which may be imposed on persons yet to be indicted relating to this matter.

☐ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

☐ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

☒ The sentence departs from the guideline range

☒ upon motion of the government, as a result of defendant's substantial assistance.

☐ for the following reason(s):

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

YONNIE BAILEY, :
Petitioner :
 :
v. : Civil No. 1:CV-00-2184
 : (Judge Caldwell)
JAKE MENDEZ, Warden, :
Respondent :

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

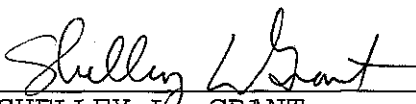
That on March 14, 2001, she served a copy of the attached

**RESPONDENT'S RECORD IN SUPPORT
OF ITS RESPONSE TO HABEAS CORPUS PETITION**

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the places and addresses stated below, which is the last known addresses, and by depositing said envelope and contents in the United States Mail in Harrisburg, Pennsylvania.

Addressee:

Yonnie Bailey
Reg. No. 46949-066
USP Allenwood
P.O. Box 3000
White Deer, PA 17887


SHELLEY L. GRANT
Paralegal Specialist